

DISTRICT COURT OF GUAM
TERRITORY OF GUAM

FILED
DISTRICT COURT OF GUAM

JUN 13 2005

MARY L.M. MORAN
CLERK OF COURT

Alexander B. Kitano,
Prison Reg. No. 80362-011

PETITIONER,

vs.

Designated Judge (Name Un-
known), Superior Court of
Guam, Case No. SP0236-04,

RESPONDENT.

Case No. **05-00019**

2

DECLARATION IN SUPPORT OF PETITION

FOR WRIT OF MANDAMUS PURSUANT TO 28 U.S.C. § 1651

AND CODIFIED UNDER THE GUAM CIVIL PROCEDURE CODE § 1085

NOW COMES FORTH Alexander Blanco Kitano, Prison Reg. No. 80362-011, deposes under the pains and penalty of perjury, pursuant to title 28 U.S.C. § 1746, states the following:

1. I am the petitioner/affiant in the above entitled case. I make this declaration in support of a petition for a writ of mandamus, pursuant to title 28 U.S.C. § 1651 and section 1085 of the Guam Civil Procedure Code, to expedite a petition for a writ of habeas corpus (28 U.S.C. § 2254) currently in the Superior Court of Guam, Designated Judge (Name Unknown), Case No. SP0236-04, filed on November 29, 2004.

1.

2. Petitioner was subsequently returned to the Territory of Guam in 1987 and 1988, respectively, in the trials of Irvin Ibanez and James Leon Guerrero, respectively (case nos. unknown). Petitioner truthfully submitted testimonies on both occasions.

3. On November 29, 2004, petition for writ of habeas corpus was filed in the Superior Court of Guam, challenging parole denials and hearing procedures used, absent his presence, by the Guam territorial parole board, on February 22, 2002, and June 25, 2003, respectively, at, Tiyan, Guam. On February 3, 2005, an amended petition was filed to the said petition, SP0236-04, thereafter. See Exhibit D attached hereto.

4. The complaint in SP0236-04 alleges that Guam authorities are subjecting petitioner without an adequate and meaningful means of access to the courts, by not providing Guam law books and Guam policies pertinent to rehabilitative and parole objectives. See Exhibit E attached hereto.

5. The complaint in SP0236-04 alleges that Guam authorities are subjecting petitioner to due process and equal protection of the law denials, in respect to parole hearing requirements, by not returning him to the Territory of Guam for all parole board hearings held, absent his presence, on February 22, 2002, and June 25, 2003, respectively, at Tiyan, Guam. See Exhibit B attached hereto.


6. As set forth in Case No. SP0236-04, petition for a writ of habeas corpus and the present petition for a writ of mandamus submitted to this Court, these facts support the

conclusion that petitioner/affiant is entitled to the relief sought to expedite and compel the Designated Judge (Name Unknown), Superior Court of Guam, Case No. SP0236-04, to rule the merits of the complaint thereof, by issuing an Order as authorized by this Honorable Court.

WHEREFORE, petitioner/affiant humbly prays that this Court accept this declaration in support of petition for a writ of mandamus and GRANT his petition.

I, hereby state under the pains and penalty of perjury pursuant to the provisions of title 28 U.S.C. § 1746 that the above is true and correct to the best of my knowledge and belief.

Respectfully, submitted,

 5-27-05

Alexander B. Kitano, pro se,
Prison Reg. No. 80362-011
United States Penitentiary
P. O. Box 1000
Lewisburg, PA 17837-1000

E X H I B I T A :

(JUDGMENT ORDER, CR-120F-87),

IN RELEVANT PART.

IN THE SUPERIOR COURT OF GUAM

TERRITORY OF GUAM

FILED

July 1
JUN 30 8 41 AM '87

PEOPLE OF THE TERRITORY OF GUAM

S. C. CRIMINAL CASE NO. 120F-87

vs.

Charge(s) SUPERIOR COURT
OF GUAM

ALEXANDER BLANCO KITANO,

MURDER (As a 1st Degree Felony)

Defendant(s).)

ju

J U D G M E N T

On the 26th day of June 19 87 came the attorney
for the government and the defendant(s) appeared in person with
PABLO AGLUBAT counsel, and the defendant(s) entered a plea
of guilty of the offense(s) of MURDER (As a 1st Degree Felony).
The plea if based upon the plea agreement filed herein.

The court informed the defendant(s) of the effect of
the plea entered and asked him whether he insist on his plea
or not.

The defendant(s) persisted on his plea of guilty of
the offense(s) of MURDER (As a 1st Degree Felony).

The court then addressed the defendant(s) personally
and found that the plea is made voluntarily with an understanding
of the nature of the charge(s) and consequences of his plea.

The court accepts defendant(s) plea of his and based
on his plea, judgment will be entered.

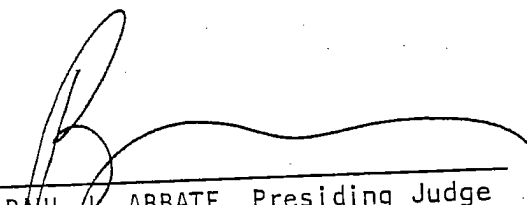
WHEREFORE, IT IS HEREBY ORDERED that for the offense of
MURDER (As a 1st Degree Felony), the defendant is sentenced to serve life

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imprisonment. Said sentence is to run concurrent with the sentence he is now serving under Criminal Case No. 11F-87. The defendant is eligible for parole after serving (15) years imprisonment.

The defendant is to serve his sentence in an off island correctional facility. The defendant is hereby placed under the custody of the Attorney General's Office until such time he is ready to be sent off island to serve his sentence.

SO ORDERED this 30th day of June, 1987.


PAUL V. ABBATE, Presiding Judge
Superior Court of Guam

Received for Service

3:42 p.m.
7-1-87
MARSHALL, Superior Court
Guam

DOC

Attys served
through Doc

E X H I B I T B:

(PAROLE DENIALS, NOTICE OF ACTION),

IN RELEVANT PART.

Guam Parole Board

Government of Guam
Tiyán, Guam

ORDER OF THE BOARDCase No(s): CF120-87, 11F-87On February 23, 2002, the Guam Parole Board convened on the case ofAlexander B. Kitano

a prisoner under the jurisdiction of the Guam
Adult Correctional Facility, Mangilao. The Board reviewed the case of the above-mentioned inmate (with the exception of Full-Time
Release and Special parole) and hereby:

- ☐ GRANTS PAROLE in that inmate meets the standards governing release on parole in
accordance with 9GCA §80.76 (a) and (b); GPB / FTR / SPECIAL

Certificate of Parole

Parole Term: _____ TO _____

Additional Special Conditions: _____

- ☒ DENIES PAROLE in that inmate does not meet the standards governing release on parole in
accordance with 9GCA §80.76 (a) (1) (2) (3) 4 (5) and (b) 1 2 3 4 5 6 7 8 9 (10) (11) (12)
(detailed information reference this denial are contained in Board files.)

Additional Info: Re-apply in one (1) year.Inmate may be presented for parole re-application no later than February 23, 2003

☐ TABLES CASE until _____ for the following reason(s): _____

☐ ACCEPTS INMATE'S WAIVER OF PAROLE

Given under the hands and seal of the Guam Parole Board, DATED _____

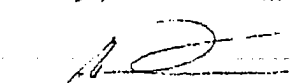
GUAM PAROLE BOARD

FRANCISCA V. SANTOS
Chairperson

(SEAL)

GUAM PAROLE BOARD:
RELEASE ORDER:

The above named prisoner is hereby released to the custody of the Parole Services Division as ordered by this
Certificate of Parole.


ANGEL A.R. SABLÁN
Director of Corrections

DISTRIBUTION: ACP/Computation/CCSD/Parolee-Inmate's copy / A.G.'s Office/ Chief of Police/GPB Files/ ORIGINAL--PSD File

The Guam Parole Board

Government of Guam
Tiyán, Guam

DHC

IN THE MATTER OF PAROLE
DESIRABILITY OF:

KITANO, Alexander

A Corrections Inmate

**ORDER OF THE BOARD
DENYING PAROLE**

Case No(s):
CF0120-87;11F87

The Guam Parole Board met on Wednesday, June 25, 2003 to review the desirability of parole for the above-named inmate. Present for the Board were Chairperson Francisco L. Marion, and members Edward T. Flores and José Q. Salas, establishing a quorum. Proceedings of the hearing were recorded on tapes by the Board Secretary.

During the hearing, the Board reviewed a Preparole Investigation Report prepared and submitted by the Parole Services Division of the Department of Corrections. There were also other documents and testimonies made available to the Board which are filed in the Board's official records.

Having informed prior of the hearing date for this presentation, the above-named inmate and family members appeared before the Board in support of his parole request.

The Board having deliberated on this case, was based on the Investigation Report and the presentations made by the inmate and family members. The Board **DENIES** the above-named inmate's parole request based on the following:

IN ACCORDANCE WITH 9GCA §80.76(a)

- ☒ (1) Release is not compatible with public safety and security;
- ☒ (2) There is substantial likelihood that he will not abide by the law and conform to the conditions of parole;
- ☒ (3) Release at this time would depreciate the seriousness of his crime and promote disrespect for law;
- ☒ (4) Release would have a substantial adverse effect on institutional discipline;
- ☒ (5) Continued correctional treatment, medical care or vocational or other training in the institution will substantially enhance his capacity to lead a law-abiding life when release at a later date.


IN ACCORDANCE WITH 9GCA §80.76(b)

- ☐ (1) The prisoner's personality, including his age and maturity, stability, sense of responsibility and apparent development in his personality hinders his conformity to law;
- ☐ (2) The prisoner's parole plan is not acceptable with his release;
- ☐ (3) The prisoner is not able to assume obligations and undertake responsibilities;
- ☐ (4) The prisoner's family status and relatives who display interest in him and other close and constructive associations in the community is not compatible with his release;

- [] (5) The prisoner's employment history, his occupational skills and training, and the stability of his past employment is not acceptable with his release;
- [] (6) The type of home environment in which prisoner plans to live is not acceptable with his release;
- [] (7) The prisoner's past use of narcotics or other harmful drugs or past habitual and excessive use of alcohol is not acceptable with his release;
- [] (8) The prisoner's mental and physical make-up, including any disability or handicap, which may affect his conformity to law, is not compatible with his release;
- [] (9) The prisoner's prior criminal record, including the nature and circumstances, recentness and frequency of previous offense is not compatible with his release;
- [] (10) The prisoner's attitude toward law and authority is not compatible with his release;
- [] (11) The prisoner's conduct in the institution, including where he has take advantage of the opportunities for self-improvement afforded by the institutional program is not compatible with his release;
- [] (12) The prisoner's conduct and attitude during any previous experience of probation or parole and the recentness of such experience is not compatible with his release.

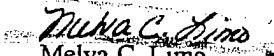
The Board recommends that inmate participate in the institutional programs provided by the Department. Inmate may reapply for parole in one (1) year from the date of this hearing (no later than June 24, 2003)

SO ORDERED this 25th day of June 2003.

FOR THE GUAM PAROLE BOARD

FRANCISCO L. MARION
Chairperson

ATTESTED:

Seal


Melya C. Limon
Board Secretary

DISTRIBUTION: Original (Inmate's File) PSD / ACF / CCSD / GPB File / Inmate's Copy

E X H I B I T C:

(ORDER OF DISMISSAL ON PETITION),

IN RELEVANT PART.

MAY 14 2004

MARY L. M. MORAN
CLERK OF COURT

DISTRICT COURT OF GUAM
TERRITORY OF GUAM

ALEXANDER BLANCO KITANO,

Civil Case No. 04-00007

Petitioner,

vs.

ORDER

FRANK ISHIZAKI, Director, Department of
Corrections,

Respondent.

Petitioner Alexander Blanco Kitano filed a Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody and a Motion to Proceed In Forma Pauperis. Prisoners in state custody who wish to challenge either the fact or length of their confinement in federal court by a petition for a writ of habeas corpus must first exhaust state judicial remedies, either on direct appeal or through collateral proceedings, by presenting the highest state court available with a fair opportunity to rule on the merits of each and every issue they seek to raise in federal court. See 28 U.S.C. § 2254(b)(1)(A), (c); Duckworth v. Serrano, 454 U.S. 1, 3, 70 L. Ed. 2d 1, 102 S. Ct. 18 (1981). If available state remedies have not been exhausted as to all claims, the district court must dismiss the petition. See id. at 4-5.

1 Petitioner claims that he has exhausted his administrative remedies. However, before
2 coming to federal court on habeas corpus he also must exhaust his state judicial remedies.
3 Accordingly, the present petition is unexhausted and must be dismissed. A dismissal for
4 failure to exhaust is without prejudice, however, and is not a bar to returning to federal court
5 after exhausting state remedies. See Johnson v. Lewis, 929 F.2d 460, 464 (9th Cir. 1991).
6 Accordingly, this petition is ORDERED DISMISSED WITHOUT PREJUDICE. Thus,
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8 Petitioner's Motion to Proceed In Forma Pauperis is ORDERED DENIED.
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10 IT IS SO ORDERED this 14th day of May, 2004.

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14 STEVE UNPINGCO
~~FRANCES M. TYDINGCO-GATEWOOD~~

15 Designated District Judge
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25 Notice is hereby given that this document was
26 entered on the docket on 05/14/04.
27 No separate notice of entry on the docket will
28 be issued by this Court.

 Mary L. M. Moran
 Clerk, District Court of Guam

By: /s/ Shirlene A. Ishizu 05/14/04
 Deputy Clerk Date

E X H I B I T D:

(PETITION FOR WRIT OF HABEAS CORPUS,
IN THE SUPERIOR COURT OF GUAM),
IN RELEVANT PART.

IN THE SUPERIOR COURT OF GUAM

FOR THE TERRITORY OF GUAM

2011 NOV 22 PM 3:13

Alexander Blanco Kitano,
Prison Reg. No. 80362-011
United States Penitentiary
P. O. Box 1000
Lewisburg, PA 17837-1000,

PETITIONER,

v.

Robert Camacho, Director,
Department of Corrections;
et al.,

RESPONDENT.

Case No. _____

SP 0236-04

PETITION FOR A WRIT OF HABEAS CORPUS

PETITIONER Alexander Blanco Kitano, pro se, Prison Reg. No. 80362-011, pursuant to the Organic Act of Guam, 48 U.S.C. §§1421, et seq., and 28 U.S.C. §2254, seeks a Writ of Habeas Corpus and states:

1. Petitioner is presently in the physical custody of the federal Bureau of Prisons (BOP) and is incarcerated at the United States federal penitentiary in Lewisburg, PA (USP Lewisburg), pursuant to a guilty plea conviction, criminal case no. 120-87, pronounced by the Honorable Judge Paul J. Abbate, in the Superior Court of Guam, and was sentenced to life imprisonment, with the possibility of parole after fifteen (15) years, on June 29, 1987. See attached copy marked Exhibit "A" herein.

2. Petitioner was originally charged and convicted, by jury trial, for 1st degree robbery and possession of a deadly weapon during a commission of a felony, criminal case no. 11-87, and was sentenced to a mandatory fifteen (15) years, on May 22, 1987. Said sentence and conviction, supra, was dismissed on October 10, 1990. See attached copies marked Exhibit "B" herein.
3. Petitioner has made correspondence attempts in trying to acquire for "docket entries" in this court, to no avail. See attached copies marked Exhibit "E" herein.
4. Petitioner became eligible for the possibility of parole on February 8, 2002. See attached copy marked Exhibit "C" herein.
5. On February 22, 2002 and June 25, 2003, respectively, petitioner was subsequently denied release on parole, absent his presence, by the Guam territorial parole board (GTPB), at Tiyan, Guam. See attached copies marked Exhibit "D" herein.
6. Petitioner has made numerous attempts with Guam authorities, i.e., the Attorney General for the Territory of Guam, Department of Corrections personnel and the GTPB chairperson, requesting for all available administrative remedies in appealing the denials of release on parole and the procedures used and held in those parole board hearings, absent his presence, by the GTPB at Tiyan, Guam. See attached copies marked Exhibit "E" herein.
7. Petitioner has also made other correspondence requests to BOP authorities inquiring for the contract, i.e., 18 U.S.C. 5003, state offenders in custody, between Guam and BOP authorities, and pertinent issues regarding jurisdictional authority with parole

hearings held, supra, absent his presence, at Tiyan, Guam.

iv. Guam authorities and the GTPB have failed to apply statutorily mandated parole rules and regulations, prior to and thereafter petitioner's initial eligibility date and previous desirability considerations date, in all parole board hearings held, supra, absent his presence, at Tiyan, Guam.

v. Guam authorities and GTPB have failed to adequately provide petitioner with correctional, parole, and law books pertinent to the issues in this instance and in seeking a meaningful right to access to the courts.

10. Petitioner is presently imprisoned pursuant to an illegal and void execution of his parole board hearing procedures and the decisions used to deny him parole, absent his presence, by the Guam authorities and the GTPB, on February 22, 2002 and June 25, 2003, respectively, at Tiyan, Guam, for reasons stated herein and those set forth in the Brief in Support of the Petition for Writ of Habeas Corpus, Affidavit, and the Exhibits attached hereto, all of which are incorporated by reference herein.

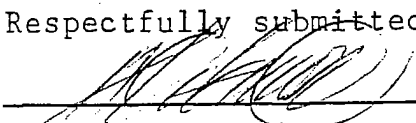
WHEREFORE, petitioner respectfully requests this Honorable Court for the following:

- a. That RESPONDENT(S) be required to appear and answer to the allegations of this petition.
- b. That petitioner be returned to the geographical jurisdiction of a GTPB in the Territory of Guam.

- c. That petitioner be granted the mandated sixty (60) days prior to and one (1) year desirability consideration date thereafter in all parole board hearing[s] before a GTPB, and be permitted to present documentary support in those parole hearing procedures.
- d. That petitioner be furnished with adequate correctional, parole and territorial law books pertinent to the issues in this instance, so may properly have access to administrative remedies and to the courts.
- e. That after full consideration this Court relief petitioner of his illegal and void execution of the details of parole and the procedures used on February 22, 2002 and June 25, 2003, respectively, by Guam authorities and the GTPB, absent his presence, at Tiyan, Guam, by issuing a Writ of Habeas Corpus granting him a meaningful and fair parole board hearing.
- f. That this Court may also relief petitioner of further restraint on his "liberty interest" safeguards and deem in the interest of justice, issue a Writ of Mandamus, compelling Guam authorities and the GTPB to perform a duty owed to petitioner in respect to parole hearing requirements.
- g. That this Court, if necessary, grant an evidentiary hearing.
- h. And finally, that this Court may grant such other, further and different relief as it may deem just and proper.

I declare under the penalty of perjury that the foregoing
is true and correct. Executed on this date of 11/09/04.

Respectfully submitted,



Alexander B. Kitano, pro se,
Prison Reg. No. 80362-011
United States Penitentiary
P. O. Box 1000
Lewisburg, PA 17837-1000

nef.abk04.

FILED
SUPERIOR COURT
IN THE SUPERIOR COURT OF GUAM OF GUAM

IN THE TERRITORY OF GUAM 2005 FEB -3 AM 9:48

ALFREDO M. BORLAS
CLERK OF COURT
BY: _____

Alexander B. Kitano
Prison Reg. No. 80362-011
United States Penitentiary
P. O. Box 1000
Lewisburg, PA 17837-1000,

PETITIONER,

Vs.

Robert Camacho, Director,
DEPARTMENT OF CORRECTIONS;
et al.,
RESPONDENTS.

Case No. SP 0236-04

MOTION TO FILE AN AMENDED PETITION

PETITIONER Alexander B. Kitano, acting pro se, pursuant to Rule 15(a), Fed.R.Civ.P. and the Organic Act Constitution of the Territory of Guam, respectfully petitions this Honorable Court to file an Amended petition to Case No. SP 0236-04, and states the following:

1. Prior to filing the above-captioned petition, on November 29, 2004, petitioner filed a Petition for a Writ of Habeas Corpus in the Superior Court of Guam.

2. Recently, petitioner regretfully expresses to this Court of his awareness that page 3, of Petition for a Writ of Habeas Corpus petition, is missing and is cordially requesting that this page 3 (herein) may be amended and accepted by this Court.

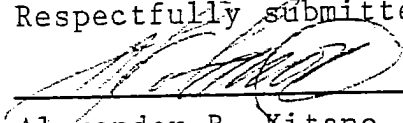
3. RESPONDENTS will not be prejudiced by the filing of this Amended petition.

4. The interests of justice will be served by this Court hearing all the allegations contained in petitioner's Petition for a Writ of Habeas Corpus and Amended Petition.

5. This Court should grant freely to file an Amended Petition. Gillihan v. Schillinger, 872 F.2d 935, 941 (10th Circuit 1989); and see Novak v. National Broadcasting Co., Inc., 724 F. Supp. 141, 145 (S.D.N.Y. 1989).

Dated: Jan. 20, 2004

Respectfully submitted,


Alexander B. Kitano, pro se,
Prison reg. No. 80362-011
United States Penitentiary
P. O. Box 1000
Lewisburg, PA 17837-1000.

IN THE SUPERIOR COURT OF GUAM
FOR THE TERRITORY OF GUAM

Alexander B. Kitano
Prison Reg. No. 80362-011,
PETITIONER,

Vs.

Robert Camacho, Director,
DEPARTMENT OF CORECTIONS;
et al.,
RESPONDENTS.

Case No. SP 0236-04.

MOTION TO FILE AN AMENDED PETITION PURSUANT TO
RULE 15(a), FED.R.CIV.P. AND THE ORGANIC ACT OF GUAM

* * *

7. Petitioner has also made other correspondences requests to BOP authorities inquiring for the contract, i.e., 18 U.S.C. §5003, State offenders in custody, between Guam and BOP authorities, and pertinent issues regarding jurisdictional authority with parole and sentence issues. See Exhibit F attached herein.

* * *

8. Petitioner initially petitioned for a Writ of Habeas Corpus in the District Court of Guam, §2254, and was subsequently dismissed for failure to exhaust state judicial remedies, on May

14, 2004. See Exhibit G attached herein.

* * *

9. Petitioner is presently imprisoned pursuant to an illegal and void execution of his parole board hearing procedures and the decisions used to deny him parole, absent his presence, by Guam authorities and the GTPB, on February 22, 2002 and June 25, 2003, respectively, at Tiyan, Guam, for the following reasons:

* * *

i. Guam authorities and the GTPB have failed to return petitioner to the Territory of Guam for all parole board hearings held, absent his presence, on February 22, 2002, and June 25, 2003, respectively, by Guam authorities and the GTPB, at Tiyan, Guam.

* * *

ii. Guam authorities and the GTPB have failed to permit and grant petitioner statutorily mandated sixty (60) days prior to and one (1) year desirability consideration date from previous consideration in all parole board hearings held, absent his presence, by Guam authorities and the GTPB, on February 22, 2002, and June 25, 2003, respectively, at Tiyan, Guam.

* * *

iii. Guam authorities and the GTPB have failed to properly apply statutorily mandated criteria in determining petitioner's eligibility for release on parole in all parole board hearings held, absent his presence, by Guam authorities and the GTPB, on February 22, 2002, and June 25, 2003, respectively, at Tiyan, Guam.

2.

* * *

WHEREFORE, PETITIONER RESPECTFULLY requests this Honorable Court for the following:

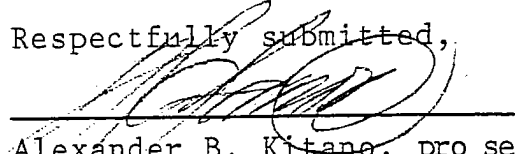
* * *

i. That this Court grant petitioner an Order of Release on Parole and issuance of Conditions of Parole authorized by this Court for he shall ever pray.

* * *

I DECLARE UNDER the penalty of perjury that the foregoing is true and correct. EXECUTED on this day of Jun. 20th, 2005.

Respectfully submitted,


Alexander B. Kitano, pro se,
Prison reg. No. 80362-011
United States Penitentiary
P. O. Box 1000
Lewisburg, PA 17837-1000.

E X H I B I T E:

(
(CORRESPONDENCES TO GUAM AUTHORITIES),
IN RELEVANT PART.

Clerk of Courts,
Superior Court of Guam
Guam Judicial Center
120 West O'Brien Drive
Hagatna, Guam 96910

October 14, 2003.

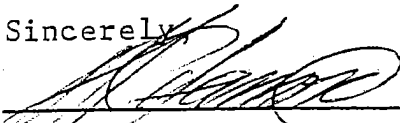
RE: Dismissal Judgment Order on Criminal Case No. 11F-87;
Judgment on §2254 Petition To Vacate, Set Aside, or
Correct Sentence on Criminal Case No. 120F-87; and all
"docket entries" on Alexander Blanco Kitano.

Dear Clerk:

I am currently in the custody of the Federal Bureau of Prisons at the United States Penitentiary in Lewisburg, Pennsylvania, serving a life-sentence under Guam statutes. I have been denied parole twice already without the opportunity to personally appear and present documentary support at neither of those parole board hearing subsequently held at Tiyan, Guam. I am also pursuing an appeal of those denials on a administrative level at this institution. I am in need of the above-mentioned documents because there are certain prerequisites that I must meet before filing a petition in the Middle District Court of Pennsylvania. And because I have made every reasonable attempt at trying to acquire specific and general assistance with Parole, Correctional, and Judicial authorities in Guam to no avail, in respect to the denials for parole, I am now making the necessary requirements to exhaust administrative remedies according to federal policies.

Please, if, it is possible to also include the necessary forms if there any costs included, I am willing to make the payments on a monthly basis and/or parallel to my monthly earnings at this institution. The law library at this institution has absolutely no laws or citations on Guam laws and this has been of a dilemma for me at trying to receive any assistance from the above officials herein. Thanking you in advanced notice for your prompt assistance in the matter at hand. Dang'ku lu na siyyuus maase.

Sincerely,


A. Kitano/80362-011

Clerk of Courts
Superior Court of Guam
Guam Judicial Center
120 West O'Brien Drive
Hagatna, Guam 96910
(671) 475-3420


Dear Clerk of Courts:

I have recently filed a petition under 28 U.S.C. §2254 in the District Court of Guam; which was subsequently dismissed for failure to exhaust judicial remedies in this Court. Please see attached copy of the Order, Civil Case No. 04-0007, herein.

I am respectfully requesting this Honorable Court for permission to file a petition for Writ of Habeas Corpus by a person in State Custody, challenging the execution of my parole proceedings by subsequent Guam Territorial Parole Board officials; and a motion to proceed in forma pauperis. I am requesting for the proper forms to fill out and file a petition to this Court.

Please include the necessary application under Guam statutes and relevant materials because the law library at USP Lewisburg does not contain any legal laws on Guam. Thanking you for your prompt and much appreciated assistance in the matter herein. Dangkolo na si yu'us ma'ase.

Sincerely submitted,



Alexander Blanco Kitano, pro se,
Prison Reg. No. 80362-011
United States Penitentiary
P. O. Box 1000
Lewisburg, PA 17837-1000

5-25-04
Date

Clerk of Courts
Superior Court of Guam
Guam Judicial Center
120 West O'Brien Drive
Hagåtña, Guam 96910

January 5, 2004.

To whom it may concern:

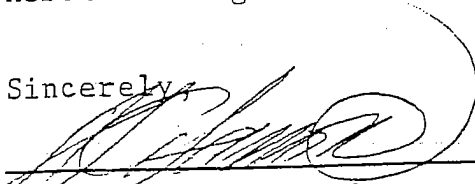
I am a territorial [state] prisoner serving a life sentence, with the possibility of parole after fifteen (15) years of imprisonment, presently in the custody of the Federal Bureau of Prisons and incarcerated at the United States Penitentiary in Lewisburg, Pennsylvania, pursuant to Title 18 U.S.C. §5003 and by virtue of a guilty plea made on June 30, 1987 in the Superior Court of Guam issued by the Honorable Judge Paul J. Abbate. Please see attached copy of Judgment Order on Criminal Case No. 120F-87.

I have been eligible for the possibility of parole on February 8, 2002. Since then I have received two (2) separate Order of the Board notice of actions denying release on parole, absent my presence and the opportunity to present documentary support at those February 23, 2002 and June 25, 2003, respectively, parole board hearings held at Tiyan, Guam by the Guam Territorial Parole Board.

I have written to the Chairperson of the Board, Francisco L. Marion; Director of the Department of Corrections, Frank Ishizaki; and the Attorney General's Office authorities, expressing my concerns that the decisions of my denials and procedures used by the Board to render those assessments were unconstitutional, and I have yet to receive adequate relief or any assistance in affording me with the proper remedies and law books of Guam. I am now petitioning for the authority of this Honorable Court to grant me the permission to file a motion for a Writ of Habeas Corpus, if, this is the required process of action I am required to take. I am appealing the denials and the procedures used by the Guam Territorial Parole Board in the February 22, 2002 and June 25, 2003, respectively, at Tiyan, Guam to this Honorable Court.

Please respond with the necessary course of action and/or the assistance this Court may furnish me with to seek relief in the Territory of Guam. Thanking this Honorable Court for its consideration and any opinions it may find in the interest of justice in the matters stated herein. Dang'kolo na si yuus masse.

Sincerely,



Alexander Blanco Kitano, pro se,
Prison Reg. No. 80362-011
United States Penitentiary
P.O. Box 1000
Lewisburg, PA 17837-1000

Frank Marion, Chairperson,
Guam Parole Board
Government of Guam
Tiyán, Guam

RE: Request pursuant to Privacy Act of 1974; For Parole Hearing[s]
February 2002 and June 2003 Tapes, pursuant to Disclosure of
Parole Board Office File.

Dear Mr. Marion:

July 22, 2003.

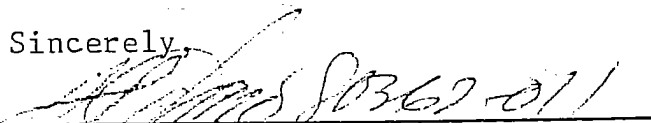
Hafa Adai; and Greetings.

Please consider this communication my formal request for the
transcripts, tapes and all related notes, hearing examiners' assest-
ments and reports in accordance with Title 9 Guam Code Annotated §80.76
(a) and (b), and any relevant Territorial statutes as well.

I am requesting these records from my initial and recent parole
hearings conducted at Tiyán, Guam, on February 2002 and June 2003.

Thanking you in advanced notice for your assistance and any
further assistance you may afford me with.

Sincerely,


Alexander B. Kitano/Prison Reg.#80362-011
United States Penitentiary
P.O. Box 1000
Lewisburg, PA 17837

nef/abk87.

FREEDOM OF INFORMATION/PRIVACY ACT
REQUEST ACT OF 1974

TO: Guam Parole Board
c/o Department of Corrections
P. O. Box 3236
Hagatna, GU 96932

FROM: Alexander B. Kitano/Prison Reg.#80362-011
United States Penitentiary
P.O. Box 1000
Lewisburg, PA 17837

Pursuant to Title 5 U.S.C. § 552 and all other relevant sections and parts thereof, I, the undersigned, also identified above in the upper right-hand section, hereby respectfully request the following information:


I am once again requesting for all transcripts, tapes, and all related notes,
hearing examiners' assessments and reports in accordance with 9 GCA §80.76 (a) and
(b), and any relevant administrative policies in regard to initial parole hearing:
on February 22, 2002. and most recent, June 25, 2003.. I am requesting that these
records and proceedings be made available to this petitioner. Thanking you in ad-
vanced notice for any assistance you may furnish me with.

If there are applicable rules and regulations governing your agency in such matters, please forward them to me so that I might comply with them per the FOI Act of 1974.

If for any reason any of the above requested information or material is deemed to be privileged and exempt under FOI, please specify the statutory reasons for the exemption, the name and title of the person(s) making the decision to withhold the material.

Per the dictates of the Freedom of Information Act of 1974, your agency has ten (10) working days to respond to this request. In the event I do not receive a response by that time, I will deem this formal request denied, and seek judicial remedy.

Dated: 8-2-03

Submitted by: 

Requester

Sworn and subscribed before me this 2 day of August, 2003, Mr. Nicholas, Case Manager, of the above named person, verify that he appeared before me - and is who he claims to be.

Authorized by the Act of
July 7, 1955, as amended, to
administer Oath of Public
Official

Frank Ishtak, Director,
Department of Corrections
P. O. Box 3236
Hagatna, Guam 96932

July 11, 2003.

RE: REQUESTING Title 9 Guam Code Annotated and Parole statutes
and Guidelines on parole.

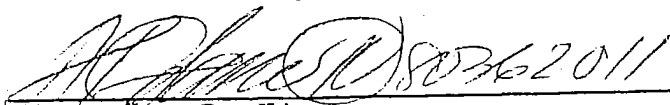
Dear Sir:

I am presently incarcerated in the custody of the federal Bureau of Prisons at the United States Penitentiary in Lewisburg, PA. I am a territorial prisoner under the jurisdiction of the Department of Corrections and the Territory of Guam. I have been eligible for parole since February of 2002. I am serving a life sentence, with the possibility of parole after serving a mandatory 15-years of imprisonment.

There are no Guam law books at this institution and the Bureau of Prisons is **not** obligated to furnish me with any laws pertaining to my jurisdictional rights under Guam laws.

The Department of Corrections [Territory of Guam] remains responsible for maintenance of state [territorial] prisoners after transfer to federal facility and remained responsible for providing access to courts and to law books of [the Territory of Guam]. It will be in the interest of all parties, if, I am furnished with this request herein.

I thank you in advance for any assistance you accomodate me with.
Dan'kulu na si yuus maase.



Alexander B. Kitano
Reg. #80362-011
United States Penitentiary
Lewisburg, PA 17837-1000

nef/abk87

Frank Ishtak, Director
Department of Corrections
P.O. Box 3236
Hagatna, Guam 96932

July 18, 2003.

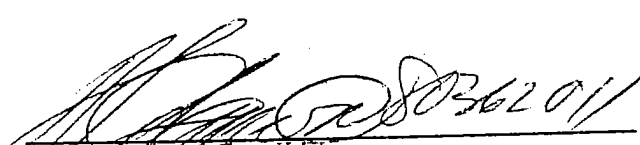
RE: Amendment to 7/11/03 letter; Notice of Appeal (Guam Parole Board Denial of parole[s]).

Dear Sir:

I am still awaiting my Notice of Action (Order of the Board) of my recent denial for parole. I was informed almost three weeks ago; and I am planning to take the necessary administrative remedies with appealing that decision from the Board.

Again, I am in need of being furnished a Title 9 GCA and Parole Statutes in respect to properly making the required steps that may deem just for initiateing such an appeal. As I have stated in my prior administrative request to you; I sincerely ask of you that I may be afforded such basic right to receive those law materials as requested.

I thank you in advance for any assistance you may forward me with in making it possible for me to appeal the decision[s] of my parole denial[s]. Dang'kulu na si yuus maase.


Alexander B. Kitano
Reg. No. 80362-011
P.O. Box 1000
United States Penitentiary
Lewisburg, PA 17837

nef/abk87.

Frank Ishizaki, Director,
Department of Corrections
P. O. Box 3236
Hagatna, Guam 96932
(671) 734-3981

July 28, 2003.

RE: Requesting Title 9 Guam Code Annotated; and information and
Order of the Board notice from June 25, 2003 Board Hearing.

Dear Sir:

I have written two (2) previous requests in trying to acquire specific and general assistance from your office under your name; I apologize for not addressing your name properly at these two instances. I am still seeking your assistance in the matter at hand. The Federal Bureau of Prisons are not required for providing access to law books of the Territory of Guam. I am in need of this law book; for I do not even know, if, I am entitled to appeal the decisions and parole hearings that was held at my eligibility date and the most recent one on June 25th of this year.

The Department of Corrections has jurisdictional authority in maintaining and adequately furnishing the Federal Bureau of Prisons at Lewisburg, PA, with correct and updated informations in my Central Files in regard to my parole eligibility hearing dates. This has presented me with some difficulties at programming at a lower security facility, Sir. I am asking for the involvement of my assigned Case Worker to, at least, "take reasonable steps to maintain the accuracy of the information to assure fairness to [this individual]."

I know that I have an extensive history of incident reports being written up on me in this past sixteen and a half years of my incarceration. I have learned many lessons of growing out of those failures and I am continuing to learn even more with this new life-style of doing some good, and eventually secure the goodness in me with my life, so others may also see this different perspective that is worth pursuing today. All I am saying is, allow me the opportunity to continue programming and becoming parallel with the benefits of someone who sincerely believes in rehabilitation. And it is merely almost impossible for me to achieve certain goals I need to take at this institution.

My Unit Team has already expressed their responsibilities with certain data in my Sentence Monitoring Data (enclosed and highlighted) needs to be verified by both agencies, so that it may be maintained and properly entered in their sentry data base.

I hope I have troubled too much of your time with this matter; but I sincerely need to hear from you in this matter, Sir. Thanking you in advanced noticed for any information and assistance you may forward my way: Dang'kulu na si Yuus Maase.

Respectfully Submitted,



Alexander Blanco Kitano/#80362-011
United States Penitentiary
P. O. Box 1000
Lewisburg, PA 17837

nefabk87.

Frank Ishizaki, Director
Department of Corrections
P. O. Box 3236
Hagatna, GU 96932

September 2, 2003.

RE: Copies of all relevant Records on file to this inmate, Alexander Blanco Kitano, Prison Reg. No. 80362-011, that were made available to the Territorial Parole Board at his initial February 22, 2002, and June 25, 2003, parole hearings, respectively.

Dear Mr. Ishizaki:

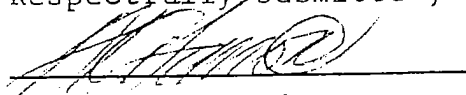
Again, I am requesting for copies of all relevant records on file because I am contesting the validity of those informations and datas as a result that it may have been improperly used against me at the above mentioned dates and events. And as jurisdictional authority of this inmate, it is imperative that I am furnished with the required documents before proceeding at a higher court.

Sir, I am asking once again for your needed assistance in the matter at hand because, as I have stated before, I have already written to the Chairperson of the Guam Parole Board on three (3) different occasions to no avail. I have received a stamped and copy of their (GPB) denial notice of action from parole officer, Donna M. Cruz, at the Parole Services Division, on August 14, 2003. I am very appreciative of this assistance from you.

However, upon receiving this notice, there are some arbitrary and erroneous informations being written within that notice, and from my initial notice as well. Please be advised that, Criminal Case No. 11F-87, has been dismissed by the Attorney General's Office on or about 1992. Aside from not making a personal appearance before the Board, it is the belief of Mr. Marion and the established quorum, Edward T. Flores, Jose Q. Salas, and Board Secretary, Melva C. Limo that, the above-named inmate and family members appeared before the Board in support of his parole request. I am formally making this complaint of being deprived of my constitutional rights in respect to the actions of the Territorial Parole Board, and this Department of Corrections Facility for maintaining erroneous information and presenting those records to the Board on both my parole hearings hereto.

Thanking you in advanced notice once again for your time and assistance in the matter herein and hereto.

Respectfully submitted,



Alexander B. Kitano
Prison Reg. No. 80362-011
United States Penitentiary
P.O. Box 1000, Lewisburg, PA 17837-1000.

Donna Cruz, Parole Officer
Parole Services Division
Department of Corrections
P. O. Box 3236
Hagatna, GU 96932
(671)473-7001

RE: All Original Certificates and Copies of other relevant
Documents sent previously to this agent.

July 28, 2003.

Dear Ms. Cruz:

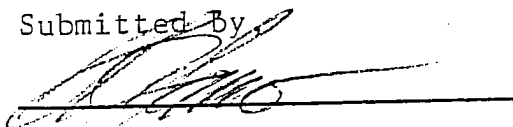
Hafa Adai and Greetings. I am requesting that all personal cer-

tificates mailed to you be returned back to me at this address.

I am trying to appeal my denials and parole hearings at the administrative remedy required by law; and I need the proper procedures I need to take. It will be of great interest if I am assisted in this matter. I also need a copy (transcripts) of those two (2) parole hearings as well. And all adverse materials and documents that were used in those hearings to render my denials for release on parole.

Thanking you in advanced noticed for your assistance.

Submitted By,



A.B. Kitano/80362-011
USP-Lewisburg
P.O. Box 1000
Lewisburg, PA 17837

nef.abk87.

The Compiler of Law
Attorney General's Office
120 West O'Brien, Suite 2-200E,
Hagatna, Guam 96910

August 20, 2003.

RE: GUAM CODE ANNOTATED (Title 9) Law Book; Plea Agreement on Criminal Case No. 120F-87; Dismissal Judgment Order on Criminal Case No. 11F-87; and "docket entries" pertaining to this inmate, Alexander B. Kitano, Reg. No. 80362-011.

To whom it may concern:

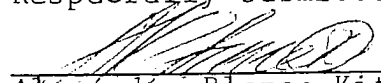
Hafa Adai, and greetings. I am a territorial prisoner from the Territory of Guam and I am presently serving a life-sentence, with the possibility of parole after serving fifteen (15) years of imprisonment. I am currently in the custody of the Federal Bureau of Prisons at the United States Federal Penitentiary in Lewisburg, PA.

Initially, this institution does not have any laws or provisions of Guam and I have made prior requests to the Department of Corrections and the Superior Court of Guam to no avail. I was informed that this office is the only authorized agency to distribute such inquiries of the above mentioned items and informations. The Federal Bureau of Prisons, at this institution, is not required by federal law to provide me with applicable Guam statutes and/or relevant documents needed that I am entitled to receive.

Also, there are specific data contained in my Central Files at this institution and within the Federal Bureau of Prisons that may be hindering me from programming at a lower security level institution. I have also made efforts with the Director, Mr. Frank Ishizaki, of the Department of Corrections, that current erroneous informations are presently misplaced and hinders this inmate from receiving the proper custody and security classifications evaluation at this institution, mainly, my Unit Team.

I am requesting the 9 GCA law book; (120F-87) plea agreement; (11F-87) dismissal order; and all "docket entries", that I may be entitled to receive from my sentencing authority of this Office. Thanking you in advanced notice for your assistance, Dang'ku lu na si yuus maase.

Respectfully submitted,



Alexander Blanco Kitano
Prison Reg. No. 80362-011
United States Penitentiary
P. O. Box 1000
Lewisburg, PA 17837-1000

The Compiler of Law,
Attorney General's Office
120 West O'Brien, Suite 2-200E,
Hagatna, Guam 96910

August 26, 2003.

RE: Attached copy of Declaration In Support of Request to Proceed In Forma Pauperis (proof of indigence) in respect to August 20, 2003. letter requesting the following: Title 9 GCA Law Book; Plea Agreement on CF120-87; Dismissal Judgment Order on CF11-87 conviction; and all "docket entries per this inmate, Alexander Blanco Kitano, Reg. No. 80362-011.

To whom it may concern:

Hafa Adai. Please be advised that I am enclosing copies of all documents and verifications of indigence to obtaining the above requested items and informations, and related to my August 20, 2003. letter to this Office.

As required, the Territory of Guam is responsible for furnishing me access to the courts and law books of Guam. I have already mentioned that this institution are not responsible for affording me this basic right, but rather that Guam is also my sentencing authority and remains responsible for issuing these requested items to me. I am trying to exhaust administrative remedies in regard to appealing my parole denials; and it will greatly serve adequate assistance, if, I am granted with these legal materials related to this inmate's right to the courts and legal books on Guam.

Thanking you in advanced notice for your time and effort with assisting me in the matter at hand. Dang'ku lu na si yuus maase.

Sincerely submitted;



Alexander Blanco Kitano, pro se,
Prison Reg. No. 80362-011
United States Penitentiary
P. O. Box 1000
Lewisburg, PA 17837-1000

nef/abk87.

FREEDOM OF INFORMATION/PRIVACY ACT
REQUEST ACT OF 1974

TO: The Compiler of Law
Attorney General's Office
120 West O'Brien, Suite 2-200E,
Hagatna, GU 96910

FROM: Alexander Blanco Kitano/80362-011
United States Penitentiary
P.O. Box 1000
Lewisburg, PA 17837-1000

Pursuant to Title 5 U.S.C. § 552 and all other relevant sections and parts thereof, I, the undersigned, also identified above in the upper right-hand section, hereby respectfully request the following information:

Title 9 Guam Code Annotated Law Book; Plea Agreement on Criminal Case Number, 120F-87;
Dismissal Judgment Order on Criminal Case Number, 11F-87; and all "docket entries"
pertaining to this inmate, Alexander Blanco Kitano, Prison Reg. No. 80362-011.

If there are applicable rules and regulations governing your agency in such matters, please forward them to me so that I might comply with them per the FOI Act of 1974.

If for any reason any of the above requested information or material is deemed to be privileged and exempt under FOI, please specify the statutory reasons for the exemption, the name and title of the person(s) making the decision to withhold the material.

Per the dictates of the Freedom of Information Act of 1974, your agency has ten (10) working days to respond to this request. In the event I do not receive a response by that time, I will deem this formal request denied, and seek judicial remedy.

Dated: 8-27-03

Submitted by: 

Requester

Sworn and subscribed before me this 27 day of August, 2003, I, the Federal Prison Case Manager of the above named person, verify that M. Nicholas Case Manager, appeared before me - and is who he claims to be.

Authorized by the Act of
July 17, 1955, as amended, to
administer oaths, (18 USC 4004).

Mr. Douglas Moylan,
Attorney General for
The Territory of Guam
Attorney General's Office
120 West O'Brien Drive,
Suite 2-200E,
Hagatna, Guam 96910
(671) 475-3406

September 16, 2003.

RE: Final Appeal of Guam Parole Board denials on February 22, 2002
and June 25, 2003, respectively.

Dear Sir:

Hafa Adai. I am a territorial prisoner presently serving a life-sentence and is currently in the custody of the Federal Bureau of Prisons at the United States Federal Penitentiary in Lewisburg, PA. Please see Criminal Case No. 120F-87.

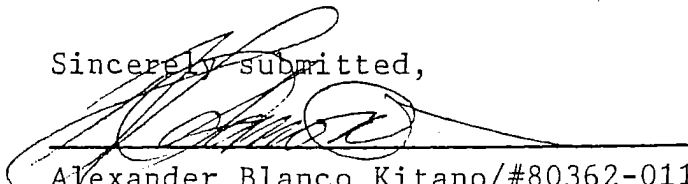
I have made numerous written requests from the Director of the Department of Corrections, the Chairperson of the Guam Parole Board, the Parole Services Division, the Superior Court of Guam, and the Compiler of Law at your office, to no avail, for basic informations and requirements in regard to making an initial attempt with my right to appeal governmental actions made in denying this inmate release on parole.

I have been refused fundamental necessities in receiving certain law books, legal documents and records pertaining to prison and parole board files being maintained in respect to this prisoner.

I am asking the assistance of this Office for a Title 9 Guam Code Annotated Law Book; my Plea-Agreement on present conviction and sentence, Criminal Case No. 120F-87; the dismissal of Criminal Case No. 11F-87 (for it is still being misappropriately being used against me); and all "docket entries" per this prisoner's case history.

Thanking you in advanced notice for your time given.

Sincerely submitted,



Alexander Blanco Kitano/#80362-011
United States Penitentiary
P. O. Box 1000
Lewisburg, PA 17837-1000

Frank Ishizaki, Director,
Department of Corrections
P. O. Box 3236
Hagatna, Guam 96932

October 23, 2003.

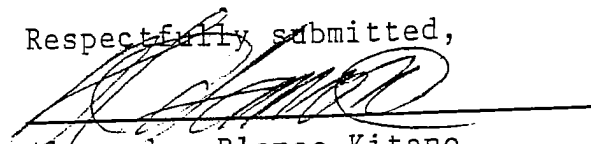
RE: Dismissal Order on Criminal Case No. 11F-87.

Dear Sir:

I am enclosing a copy of the Dismissal Order on Criminal Case No. 11F-87; that has been used against me at the February 22, 2002 and June 25, 2003, respectively, parole board hearings.

Please be advised that I would like to request that a copy be placed in Department of Corrections and Parole Board files for future references. Thanking you in advanced notice for your time and assistance in the matter.

Respectfully submitted,



Alexander Blanco Kitano
Prison Reg. No. 80362-011
United States Penitentiary
P. O. Box 1000
Lewisburg, PA 17837-1000

CERTIFICATE OF SERVICE

I, Alexander B. Kitano, hereby certify that I have served a true and correct copy of the foregoing:

1) Writ of Mandamus Petition; 2) Motion to Proceed In Forma Pauperis and Declaration in Support; 3) Exhibits; and 4) Affidavit.

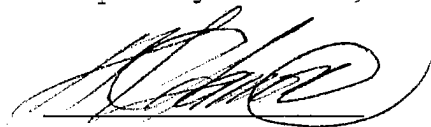
Which is deemed filed at the time it was delivered to prison authorities for forwarding to the court, Houston vs. Lack, 101 L.Ed.2d 245 (1988), upon the court and parties to litigation and/or his/her attorney(s) of record, by placing same in a sealed, postage prepaid envelope addressed to:

Mary L. Michels, CLERK of COURT,
U.S. District Court
District of Guam
U.S. Courthouse, 4th Floor,
520 West Soledad Avenue
Hagåtña, Guam 96910

and deposited same in the United States Postal Mail at the United States Penitentiary,

Signed on this 29th day of 5/05.

Respectfully Submitted,



REG. NO. 80362-011

CERTIFICATE OF SERVICE

I, Alexander B. Kitano, hereby certify that I have served a true and correct copy of the foregoing:

1) Writ of Mandamus Petition; 2) Exhibits; and 3) Affidavit.

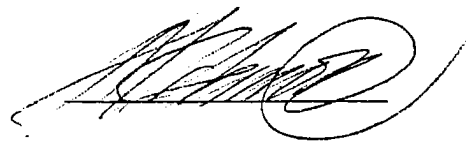
Which is deemed filed at the time it was delivered to prison authorities for forwarding to the court, Houston vs. Lack, 101 L.Ed.2d 245 (1988), upon the court and parties to litigation and/or his/her attorney(s) of record, by placing same in a sealed, postage prepaid envelope addressed to:

Alfredo M. Borlas, CLERK of COURT,
Superior Court of Guam
Guam Judicial Center
120 West O'Brien Drive
Hagåtña, Guam 96910

and deposited same in the United States Postal Mail at the United States Penitentiary,

Signed on this 29th day of 5/05,

Respectfully Submitted,



REG. NO. 80362-011

Mary L. Michels,
CLERK of COURT
U.S. District Court
District of Guam
U.S. Courthouse, 4th Floor,
520 West Soledad Avenue
Hagåtña, Guam 96910

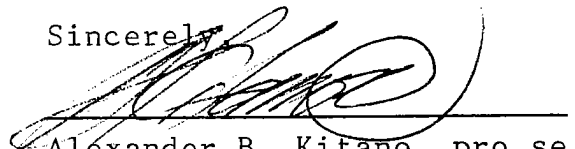
May 29, 2005.

Dear CLERK of COURT:

Please find attached copy of an original and two copies of Motion for Leave to File a Writ of Mandamus, Motion to proceed In Forma Pauperis and Declaration in Support, Exhibits and Affidavit for filing in this Court. A Certificate of Service has also been enclosed herein and mailed to the Superior Court of Guam. Once the above pleadings have been filed, please return a stamped mark copy for my case file.

Thanking the CLERK of COURT and this Honorable Court in advanced notice: thank you very much.

Sincerely,

A handwritten signature in dark ink, appearing to read "Alexander B. Kitano", is written over a horizontal line.

Alexander B. Kitano, pro se,
Prison Reg. No. 80362-011
United States Penitentiary
P. O. Box 1000
Lewisburg, PA 17837-1000

CERTIFICATE OF SERVICE

I, Alexander B. Kitano, hereby certify that I have served a true and correct copy of the foregoing:

1) Writ of Mandamus Petition; 2) Exhibits; and 3) Affidavit.

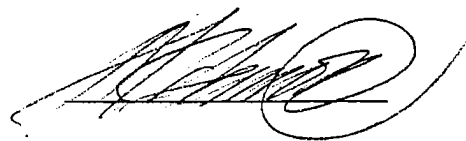
Which is deemed filed at the time it was delivered to prison authorities for forwarding to the court, Houston vs. Lack, 101 L.Ed.2d 245 (1988), upon the court and parties to litigation and/or his/her attorney(s) of record, by placing same in a sealed, postage prepaid envelope addressed to:

Alfredo M. Borlas, CLERK of COURT,
Superior Court of Guam
Guam Judicial Center
120 West O'Brien Drive
Hagåtña, Guam 96910

and deposited same in the United States Postal Mail at the United States Penitentiary,

Signed on this 29th day of 5/05,

Respectfully Submitted,



REG. NO. 80362-011

E X H I B I T F:
(GUAM DEPARTMENT OF CORRECTIONS
COMPUTATION SHEET).

611-671-734-3981

Aggregate Sentence: LIFE W/ PAROLE

25days (Receiving)

1

*Both sentences are to be served consecutively.